

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2002, the commission amends a rule as follows:

**1 CSR 15-3.320** Stays or Suspensions of Any Action from which Petitioner Is Appealing is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2003 (28 MoReg 1266). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 15—Administrative Hearing Commission  
Chapter 3—Procedure for All Contested  
Cases Under Statutory Jurisdiction**

**ORDER OF RULEMAKING**

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2002, the commission amends a rule as follows:

**1 CSR 15-3.350** Complaints is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2003 (28 MoReg 1266-1267). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2003-2004 seasons.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons,  
Limits**

*PURPOSE: This amendment establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2003-2004 seasons.*

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(F) Ducks (except for canvasback and pintail) and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 25 through December 23 in the North Zone (that portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy 50; and west on U.S. Hwy. 50 to the Kansas border); from November 22 through January 20 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border); and from November 1 through December 30 in the Middle Zone (remainder of Missouri). Pintails and canvasbacks may be taken from October 25 through November 23 in the North Zone, November 1 through November 30 in the Middle Zone, and November 22 through December 21 in the South Zone. Ducks and coots may be

taken by youth hunters fifteen (15) years of age or younger, from one-half (1/2) hour before sunrise to sunset from October 18 through October 19 in the North Zone, from October 25 through October 26 in the Middle Zone and from November 15 through November 16 in the South Zone. Youth hunters must be accompanied by an adult, eighteen (18) years of age or older, who cannot hunt ducks. Adults must be licensed unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.
2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), three (3) scaup, two (2) wood ducks, one (1) black duck, two (2) redheads, one (1) hooded merganser, one (1) pintail and one (1) canvasback (during the prescribed season and during the youth hunts). The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), six (6) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, two (2) hooded mergansers, two (2) canvasbacks, and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 25 through January 18 in the North Zone and Swan Lake Zone, and from November 1 through January 25 in the Middle Zone, Southeast Zone and South Zone.

2. White-fronted geese may be taken from October 25 through January 18 in the North Zone and Swan Lake Zone, and from November 1 through January 25 in the Middle Zone, Southeast Zone and South Zone.

3. In the Swan Lake Zone, Canada geese and brant may be taken from October 25 through November 30 and from December 20 through January 18.

4. In the Southeast Zone and South Zone, Canada geese and brant may be taken from October 4 through October 12 and from November 22 through January 25.

5. Except in the Swan Lake Zone, Southeast Zone and South Zone, Canada geese and brant may be taken from September 27 through October 12, October 25 through November 23 and December 20 through January 18 in the North Zone and from September 27 through October 12, November 1 through November 30, and December 27 through January 25 in the Middle Zone.

6. The daily bag limit is twenty (20) blue, snow or Ross's geese, two (2) brant and two (2) white-fronted geese statewide. The possession limits for brant and white-fronted geese are four (4) each and there is no possession limit for blue, snow and Ross's geese.

7. The daily bag limit is two (2) Canada geese in the Swan Lake Zone. The possession limit is four (4) Canada geese.

8. In the North Zone and Middle Zone, the daily bag limit is three (3) Canada geese from September 27 through October 12 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 27 through October 12 and four (4) Canada geese thereafter. In the South Zone and Southeast Zone, the daily bag limit is three (3) Canada geese from October 4 through October 12 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from October 4 through October 12 and four (4) Canada geese thereafter.

9. Geese may be taken by youth hunters in the North Zone from October 18 through October 19, in the Middle Zone from October 25 through October 26, and in the South Zone from November 15 through November 16. The daily bag limit is twenty (20) blue, snow, and Ross's geese, two (2) white-fronted geese, two (2) brant, and two (2) Canada geese. The possession limits for brant, white-fronted geese and Canada geese are four (4) each and there is no possession limit for blue, snow, and Ross's geese.

10. Zones: The Swan Lake Zone shall be the area bounded by U.S. Hwy. 36 on the north, Mo. Hwy. 5 on the east, Mo. Hwy. 240 and U.S. Hwy. 65 on the south, and U.S. Hwy. 65 on the west. The North Zone shall be that portion of the state north of a line running

west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; west on U.S. Hwy. 50 to the Kansas border excluding the Swan Lake Zone. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border. The Middle Zone shall be the remainder of Missouri excluding the Southeast Zone (that portion of the state west of a line beginning at the intersection of Mo. Hwy. 34 and Interstate Hwy. 55, south of Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; east on Mo. Hwy. 72 to Mo. Hwy. 34; east on Mo. Hwy. 34 to Interstate Hwy. 55).

(H) Shells possessed or used while hunting waterfowl and coots statewide, and for other wildlife as designated by posting on public areas, must be loaded with material approved as nontoxic by the United States Fish and Wildlife Service.

(I) The hunting season for blue, snow and Ross's geese closes on January 18, 2004 in the North Zone and Swan Lake Zone and on January 25, 2004 in the Middle Zone, Southeast Zone and South Zone in order to implement a light goose Conservation Order.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross's geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from January 19 through April 30, 2004 in the North Zone and Swan Lake Zone and from January 26 through April 30, 2004 in the Middle Zone, Southeast Zone and South Zone. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect January 19 through April 30 in the North Zone and Swan Lake Zone and from January 26 through April 30 in the Middle Zone, Southeast Zone, and South Zone.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 5, 2003 effective **September 19, 2003**.

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 9—Wildlife Code: Confined Wildlife: Privileges,**  
**Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2003-2004 to conform to federal frameworks.

### 3 CSR 10-9.442 Falconry

*PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2003-2004 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.*

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreusable marker provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, September 6 through September 21 and September 24 through December 23; in the Middle Zone, September 6 through September 21 and October 1 through December 30; and, in the South Zone, September 6 through September 21 and October 22 through January 20. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

(4) Applicants for permits shall submit an application with information including the number of raptors possessed and the species, age, sex, date of acquisition and source of each. Falconry permits are issued by classes as follows:

(A) Apprentice Class—Permittees shall be at least fourteen (14) years old and shall have a sponsor holding a general or master falconry permit. A sponsor shall have no more than three (3) apprentices at any one (1) time. An apprentice may possess only one (1) American kestrel (*Falco sparverius*) one (1) red-tailed hawk (*Buteo jamaicensis*) or one (1) red-shouldered hawk (*Buteo lineatus*) and may obtain not more than one (1) replacement raptor during any twelve (12)-month period.

(B) General Class—Permittees shall be at least eighteen (18) years old and shall have at least two (2) years' experience in falconry at the apprentice level. A general falconer may not possess more than two (2) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*; but not to include any eagle or any threatened or endangered species. A general falconer shall not obtain more than two (2) raptors for replacements during any twelve (12)-month period.

(C) Master Class—Permittees shall have at least five (5) years' experience in falconry at the general class level and shall not possess more than three (3) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*; but not to include any golden eagle (*Aquila chrysaetos*) except by written federal authorization, nor more than one (1) threatened species, nor any endangered species. A master falconer shall not obtain more than two (2) raptors taken from the wild for replacements during any twelve (12)-month period.

(7) Raptors may be taken from the wild only as follows:

(B) Young birds not yet capable of flight (eyasses), except northern harriers (marsh hawks), sharp-shinned hawks, Swainson's hawks, peregrine falcons, bald eagles, Mississippi kites, barn owls, short-eared owls and long-eared owls, may be taken only by a general or master falconer from May 1 to May 7 and from June 1 to June 30, and no more than two (2) eyasses, one (1) of which may be a Cooper's hawk, may be taken by a falconer during this period.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 5, 2003, effective September 19, 2003.

### Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

#### 7 CSR 10-6.010 Public Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 958). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

#### 7 CSR 10-6.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 958-960). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission secretary received a total of ten (10) comments on the proposed amendment from six (6) separate entities.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, Lamar Advertising of East Missouri, Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) of the rule regarding temporary cut-outs and extensions would increase costs to the industry by the industry having to move or change their display. RESPONSE AND EXPLANATION OF CHANGE: The Federal Highway Administration (FHWA) recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension could be placed on a nonconforming billboard. After considering the comment, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, Lamar Advertising of East Missouri, Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) of the rule regarding temporary cut-outs and extensions would increase costs to the department in administration and enforcement.

COMMENT: Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that regulating the use of temporary cut-outs and extensions will be an administrative nightmare for the department and the industry in processing reports every time a cut-out or extension is added or removed from a display.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, and Drury Displays, Inc. d/b/a DDI Media commented that section (37) of the rule regarding temporary cut-outs and extensions would prevent many of the current advertisers from being able to renew their display at the same location.

RESPONSE AND EXPLANATION OF CHANGE: The FHWA recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension can be placed on a nonconforming billboard. After consideration of the comment, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) is unauthorized or is not consistent with the intent of the statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes section (37) is authorized by statute and the language is consistent with the intent of the statute. However, after consideration of other comments received, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Elliot/McDonald commented that section (37) will force vacant displays for a six (6)-month period between contracts.

COMMENT: Elliot/McDonald further commented that section (37) allows cut-outs and extensions on previous contracts, does not allow cut-outs and extension on renewals, but then allows cut-outs and extensions after three (3) years.

COMMENT: Elliot/McDonald commented that section (37) would force them to remove the display face if a contract is not renewed rather than being able to contract on a month-to-month basis after the initial three (3)-year period.

COMMENT: Missouri Outdoor Advertising Association commented that the language of section (37) should be changed to reflect that in determining the size of a conforming or nonconforming sign structure, temporary cut-outs and extensions shall not be considered an increase in size.

RESPONSE AND EXPLANATION OF CHANGE: The FHWA recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension can be placed on a nonconforming billboard. After consideration of the comments, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Missouri Outdoor Advertising Association commented that it believes the FHWA's local representative does not have the authority or support to threaten sanctions over the issue of temporary cut-outs or extensions.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes the FHWA does have the authority to impose sanctions over the issue of temporary cut-outs or extensions. However, after

consideration of the comments received, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding cut-outs and extensions on billboards.

#### 7 CSR 10-6.015 Definitions

(37) Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1 and 226.580.2, RSMo and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

(38) Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

(39) Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by sections 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2)(B).

(40) Urban area is defined in section 226.510(6), RSMo.

(41) Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

(42) Zoned commercial or industrial areas are areas which are zoned industrial, commercial or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2)(C).

### Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

#### 7 CSR 10-6.020 Directional and Other Official Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 960). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

#### 7 CSR 10-6.030 On-Premises Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003

(28 MoReg 960-961). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.040** Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 961-963). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.050** Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-of-Way **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 963). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.060** Nonconforming Signs **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 963-964). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.070** Permits for Outdoor Advertising **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 964-966). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.080** Removal of Outdoor Advertising Without Compensation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 966-967). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.085** is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 967-968). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The commission secretary received two (2) comments from three (3) separate entities.

**COMMENT:** Missouri Outdoor Advertising Association commented that there are already laws allowing the department to prosecute and recover damages for the unpermitted cutting and trimming of vegetation on state right-of-way and therefore section (4) should be struck.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission considered the comment and is striking section (4) and renumbering the sections accordingly.

**COMMENT:** Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (4) should be struck because of potential adverse practices where advertiser could be penalized for the action of another.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission considered the comment and is striking section (4) and renumbering the sections accordingly.

**7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way**

(4) Appeal for Denial of Permit to Cut or Trim. If denied a permit to cut or trim vegetation, the applicant has twenty (20) working days to submit a written appeal to the Right-of-Way Director, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.090 Administrative Review of Notices to Remove Outdoor Advertising and to Terminate Nonconforming Signs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 968). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

**7 CSR 10-6.100 Removal or Concealment of Outdoor Advertising Pending Judicial Review is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 968). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 2—Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-2.015 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 735-736). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.020 Maximum Microbiological Contaminant Levels and Monitoring Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 736-737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 737-739). Those sections with changes are reprinted here. This proposed amendment becomes effective on **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003.

**COMMENT:** At the public hearing the department testified that the proposed amendment adopts U.S. EPA's rule "Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring," published in the January 22, 2001, *Federal Register*.

The most significant impact is the change in the arsenic maximum contaminant level (MCL) from 50 parts per billion to 10 parts per billion. The lower MCL is anticipated to increase public health protection by reducing the incidence of bladder cancer, lung cancer, and certain noncancerous diseases such as diabetes and heart disease. The MCL will become effective in Missouri on January 23, 2006, regardless of whether this rulemaking proceeds or not.

The representative of a federal agency pointed out that the U.S. EPA published a clarification to the arsenic MCL subsequent to the publication of this proposed amendment and recommended that this clarification be adopted.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with making this change. An error in cross-referencing is also corrected. The revised subsection is reprinted here and the remainder of the amendment is adopted as proposed.

**10 CSR 60-4.030 Maximum Inorganic Chemical Contaminant Levels, Action Levels and Monitoring Requirements**

(1) Maximum Contaminant Levels (MCL) or Action Levels.

(A) The maximum contaminant or action level listed as follows for inorganic chemicals 1.-17. apply to community water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 1.-9. and 11.-17. apply to nontransient noncommunity water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 13.-15. apply to transient noncommunity water systems:

Contaminant	Maximum Contaminant Level (MCL)
1. Antimony	0.006 mg/l
2. Arsenic	0.05 mg/l (until Jan. 23, 2006) 0.010 mg/l (effective Jan. 23, 2006)
3. Asbestos	7 million fibers/liter (longer than 10 µm in length)
4. Barium	2 mg/l
5. Beryllium	0.004 mg/l
6. Cadmium	0.005 mg/l
7. Chromium	0.1 mg/l
8. Copper	* (See 10 CSR 60-15.010(3)(B))
9. Cyanide	0.2 mg/l
10. Fluoride	4.0 mg/l
11. Lead	* (See 10 CSR 60-15.010(3)(A))
12. Mercury	0.002 mg/l

- 13. Nitrate 10 mg/l (as nitrogen)
- 14. Nitrite 1 mg/l (as nitrogen)
- 15. Total Nitrate and Nitrite 10 mg/l (as nitrogen)
- 16. Selenium 0.05 mg/l
- 17. Thallium 0.002 mg/l

\*Indicates action levels rather than maximum contaminant levels.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.040 Maximum Synthetic Organic Chemical Contaminant Levels and Monitoring Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.050 Maximum Turbidity Levels and Monitoring Requirements and Filter Backwash Recycling is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 739-743). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that proposed changes made by the U.S. EPA's Long-Term 1 Enhanced Surface Water Treatment Rule (LT1) are found in 10 CSR 60-4.050 and 10 CSR 60-4.055. LT1 is the third in a series of surface water treatment rules. The purpose of the surface water treatment rules is to protect public health from microbial contaminants in drinking water, such as *Cryptosporidium*. EPA's research has shown that the presence of microbial contaminants in drinking water are a substantial health concern. This research is summarized in the preamble to EPA's proposed rule, which was published in the April 10, 2000 *Federal Register*, and in the final rule, which was published January

14, 2002. LT1 extends turbidity, disinfection, and disinfection profiling requirements that are already in effect for larger surface water systems (serving a population of ten thousand (10,000) or more) to surface water systems serving less than ten thousand (10,000) people. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.055 Disinfection Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 744-746). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that proposed changes made by the U.S. EPA's Long-Term 1 Enhanced Surface Water Treatment Rule (LT1) are found in 10 CSR 60-4.050 and 10 CSR 60-4.055. LT1 is the third in a series of surface water treatment rules. The purpose of the surface water treatment rules is to protect public health from microbial contaminants in drinking water, such as *Cryptosporidium*. EPA's research has shown that the presence of microbial contaminants in drinking water are a substantial health concern. This research is summarized in the preamble to EPA's proposed rule, which was published in the April 10, 2000 *Federal Register*, and in the final rule, which was published January 14, 2002. LT1 extends turbidity, disinfection, and disinfection profiling requirements that are already in effect for larger surface water systems (serving a population of ten thousand (10,000) or more) to surface water systems serving less than ten thousand (10,000) people. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.070 Secondary Contaminant Levels and Monitoring Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 746-747). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the pro-

posed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 747-752). The section with changes is reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment.

**EXPLANATION OF CHANGE:** The commission is correcting a typographical error in subparagraph (3)(B)1.C. and otherwise the amendment is adopted as proposed.

**10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products**

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

**Table 2. Routine Monitoring Frequency for TTHM and HAAS**

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods. <sup>1</sup>
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time. <sup>1</sup>
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. <sup>1</sup> If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only ground-water not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant. <sup>2</sup>	Locations representing maximum residence time. <sup>1</sup>
System using only ground-water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant <sup>2</sup> during month of warmest water temperature.	Locations representing maximum residence time. <sup>1</sup> If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

<sup>1</sup>If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

<sup>2</sup>Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAA5

If you are a . . .	You may reduce monitoring if you have monitored at least one year and your . . .	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, $\leq 4.0$ mg/l.	TTHM annual average $\leq 0.040$ mg/l and HAA5 annual average $\leq 0.030$ mg/l.	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, $\leq 4.0$ mg/l.	TTHM annual average $\leq 0.040$ mg/l and HAA5 annual average $\leq 0.030$ mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average $\leq 0.040$ mg/l and HAA5 annual average $\leq 0.030$ mg/l.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average $\leq 0.040$ mg/l and HAA5 annual average $\leq 0.030$ mg/l for two consecutive years OR TTHM annual average $\leq 0.20$ mg/l and HAA5 annual average $\leq 0.015$ mg/l for one year.	One (1) sample per treatment plant every three (3) years at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. For systems using only groundwater not under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/l or the HAA5 annual average is greater than 0.060 mg/l, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring if after at least one (1) year of monitoring their TTHM annual average is less than or equal to 0.060 mg/l and HAA5 annual average is less than or equal to 0.045 mg/l, respectively.

D. The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations:

near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by item (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by item (3)(B)2.A.(II) of this rule may be reduced to one (1) three

(3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under item (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under item (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient non-community systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system must resume routine monitoring.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 4—Contaminant Levels and Monitoring**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-4.100 Maximum Volatile Organic Chemical  
Contaminant Levels and Monitoring Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 752-753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 6—Enforcement**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-6.050 Procedures and Requirements for Abatement  
Orders is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 753). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 7—Reporting**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-7.010 Reporting Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 753-756). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 8—Public Notification**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission rescinds a rule as follows:

**10 CSR 60-8.010 Public Notification of Conditions Affecting a  
Public Water Supply is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2003 (28 MoReg 757). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective on **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the purpose for this proposed rescission is to replace this rule with a new rule with the same name and number. If the new rule is not adopted, the rescission will be withdrawn. No comments were received on the proposed rescission. The rule is rescinded as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Public Drinking Water Program**  
**Chapter 8—Public Notification**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission adopts a rule as follows:

**10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2003 (28 MoReg 757-764). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rule was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that this rulemaking adopts the U.S. EPA rule, "Public Notification of Conditions Affecting a Public Water Supply," published in the May 4, 2000 *Federal Register*, and subsequent revisions to that rule, published in the June 21, 2000, June 30, 2000, and September 7, 2001 *Federal Registers*. EPA's public notice requirements became effective for all public water systems in Missouri on May 6, 2002. Regardless of whether this rule is adopted or not, water systems must comply with the federal requirements. Overall, this rule is expected to be a cost-savings to public water systems compared to the existing public notice requirements.

**COMMENT:** Two (2) comment letters were received. The representative of a public water system commented that complying with the requirement that community water systems provide dual notification for a total coliform violation (Tier 2) is expensive. The system recently provided dual notification (direct mailing and newspaper publication) for such a violation at a cost of \$2,368.02, compared with \$116 under the existing state rule.

**RESPONSE:** The commission pointed out that dual notification is not required under either the federal or state rule. The rule requires notice to be provided by "mail or direct delivery to each customer receiving a bill and to other service connections to which water is delivered by a public water system; and any other method reasonably calculated to reach *other persons* regularly served by the water system *if they would not normally be reached by mail or direct delivery.*" (Emphasis added.) The department can allow up to three (3) months to provide Tier 2 notice if the violation has been resolved. Community water systems that do not do at least quarterly billing and have a total coliform violation would have some mailing or direct delivery costs, and those that use a postcard type bill would incur some additional costs for envelopes and postage. However, this is a federal requirement, already in effect in Missouri, with which water systems must comply. Overall, we continue to believe that the new requirements will be a cost-savings compared to the previous requirements.

**COMMENT:** The director of a national organization representing public employees for environmental responsibility commented that drinking water rules are the weakest statutes in the *Code of Federal Regulations*. The proposed rule replaces the federal public notice law with a new state law and is inferior to the federal law. As an example, the commenter states that Missouri state parks have a significant number of violations and a poor record of performing public notice, so strong public notice standards are needed. The proposed rule weakens the federal standards currently in use.

**RESPONSE:** The commission agrees that strong public notice standards are needed and believes that this rule provides those standards. The proposed rule adopts the federal rule currently in effect and it is at least as stringent as the federal rule. No changes are made in response to the comment.

**COMMENT:** The commenter states that a major problem with the proposed rule is that it does not include a table or appendix that specifies which violations fall into what tier. The reader must sift through the entire text of the rule to find Tier I violations, and no Tier 2 or 3 violations are listed.

**RESPONSE:** The commission directs the commenter's attention to subsection (2)(A), "Violation Categories and Other Situations Requiring a Tier 1 Public Notice" for a list of violations and other situations requiring Tier 1 notice. The commenter's attention is further directed to subsections (3)(A) for a specific list of violations and other situations requiring Tier 2 notice and (4)(A) for a specific list of violations and other situations requiring Tier 3 notice. No changes are needed or made.

**COMMENT:** The commenter stated that no criteria is provided to define the difference between tiers. The rule allows the department to assign classifications at will.

**RESPONSE:** In response, the commenter's attention is directed to paragraphs (2)(A)1., (3)(A)1., and (4)(A)1. where each tier is defined, using the same designation and explanation as found in the federal rule. No changes are needed or made.

**COMMENT:** The commenter pointed out that the format of federal rule uses several tables throughout the text of the rule and expressed the opinion that this is a better format than the state rule text. Also, the required health effects language is in an appendix in the federal rule rather than being included in the text of the rule, and includes the maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLG).

**RESPONSE:** The commission considered the comments but believes the format of the proposed rule fits the structure of state rules. Health effects language in the state public notice rule has been included as a section of the rule for a number of years. No water system representatives or water industry associations have commented on or expressed concern with this long-standing format.

MCLGs are non-enforceable federal standards, not regulatory requirements. Including them in this rule would serve no functional purpose. In regard to repeating MCLs in this section of the rule, a water system owner/operator looking up health effect language would be doing so after exceeding an MCL (therefore, would already know the MCL), so it seems to serve no purpose to repeat the MCL in this section.

No changes are made to the proposed rule. It is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Public Drinking Water Program**  
**Chapter 8—Public Notification**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp 2002, the commission amends a rule as follows:

10 CSR 60-8.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 764-775). Those sections with changes are reprinted

here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment.

**COMMENT:** One (1) comment letter was received from the director of a national organization representing public employees for environmental responsibility. The commenter asked why health effects language is included in this rule and in the public notice rule, and why Appendix C does not list maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLGs).

**RESPONSE:** The health effects language for Consumer Confidence Reports (CCR) is different in many cases from the health effects language for public notice. The appropriate health effects language is included in each rule. MCLs and MCLGs are listed in Appendix A rather than Appendix C. This was the structure of the federal CCR rule until it was recently reorganized to combine all three appendices into one appendix. No changes are made in response to the comment.

**EXPLANATION OF CHANGE:** To be consistent with the change made to 10 CSR 60-4.030, the arsenic MCL in Appendix A is corrected to read 0.010. The corrected appendix is reprinted below.

**10 CSR 60-8.030 Consumer Confidence Reports**

**Appendix A to 10 CSR 60-8.030**  
**Converting MCL Compliance Values for Consumer Confidence Reports**

**Key**

AL = Action Level  
MCL = Maximum Contaminant Level  
MCLG = Maximum Contaminant Level Goal  
MFL = million fibers per liter  
mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units  
pCi/l = picocuries per liter (a measure of radioactivity)  
ppm = parts per million, or milligrams per liter ( $\mu\text{g/l}$ )  
ppb = parts per billion, or micrograms per liter ( $\mu\text{g/l}$ )  
ppt = parts per trillion, or nanograms per liter  
ppq = parts per quadrillion, or picograms per liter  
TT = Treatment Technique

Contaminant	MCL in compliance units (mg/l)	multiply by . . .	MCL in CCR units	MCLG in CCR units
<b>Microbiological Contaminants</b>				
1. Total Coliform Bacteria	(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.		(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and <i>E. coli</i>	0		A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or <i>E. coli</i> positive.	0
3. Total organic carbon (ppm)	TT		TT	n/a
4. Turbidity	TT		TT (NTU)	n/a
<b>Radioactive Contaminants</b>				
5. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
6. Alpha emitters	15 pCi/l		15 pCi/l	0
7. Combined radium	5 pCi/l		5 pCi/l	0
8. Uranium (pCi/l)	30 $\mu\text{g/l}$		30	0
<b>Inorganic Contaminants</b>				
9. Antimony	0.006	1000	6 ppb	6
10. Arsenic	0.05* 0.010**	1000	50 ppb* 10 ppb**	n/a* 0**
*These arsenic values are effective until Jan. 23, 2006.				
**These arsenic values are effective Jan. 23, 2006.				
11. Asbestos	7 MFL		7 MFL	7
12. Barium	2		2 ppm	2
13. Beryllium	0.004	1000	4 ppb	4
14. Bromate (ppb)	0.010	1000	10	0
15. Cadmium	0.005	1000	5 ppb	5
16. Chloramines (ppm)	MRDL=4		MRDL=4	4
17. Chlorine (ppm)	MRDL=4		MRDL=4	4
18. Chlorine dioxide (ppb)	MRDL=.8	1000	MRDL=.8	800
19. Chlorite (ppm)	1		1	0.8
20. Chromium	0.1	1000	100 ppb	100
21. Copper	AL=1.3		AL=1.3 ppm	1.3
22. Cyanide	0.2	1000	200 ppb	200
23. Fluoride	4		4 ppm	4
24. Lead	AL=.015	1000	AL=15 ppb	0
25. Mercury (inorganic)	0.002	1000	2 ppb	2
26. Nitrate (as Nitrogen)	10		10 ppm	10
27. Nitrite (as Nitrogen)	1		1 ppm	1

28. Selenium	0.05	1000	50 ppb	50
29. Thallium	0.002	1000	2 ppb	0.5
<b>Synthetic Organic Contaminants Including Pesticides and Herbicides</b>				
30. 2,4-D	0.07	1000	70 ppb	70
31. 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
32. Acrylamide			TT	0
33. Alachlor	0.002	1000	2 ppb	0
34. Atrazine	0.003	1000	3 ppb	3
35. Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
36. Carbofuran	0.04	1000	40 ppb	40
37. Chlordane	0.002	1000	2 ppb	0
38. Dalapon	0.2	1000	200 ppb	200
39. Di(2-ethylhexyl)adipate	0.4	1000	400 ppb	400
40. Di(2-ethylhexyl) phthalate	0.006	1000	6 ppb	0
41. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
42. Dinoseb	0.007	1000	7 ppb	7
43. Diquat	0.02	1000	20 ppb	20
44. Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	30 ppq	0
45. Endothall	0.1	1000	100 ppb	100
46. Endrin	0.002	1000	2 ppb	2
47. Epichlorohydrin	TT		TT	0
48. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
49. Glyphosate	0.7	1000	700 ppb	700
50. Heptachlor	0.0004	1,000,000	400 ppt	0
51. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
52. Hexachlorobenzene	0.001	1000	1 ppb	0
53. Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
54. Lindane	0.0002	1,000,000	200 ppt	200
55. Methoxychlor	0.04	1000	40 ppb	40
56. Oxamyl [Vydate]	0.2	1000	200 ppb	200
57. PCBs [Polychlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
58. Pentachlorophenol	0.001	1000	1 ppb	0
59. Picloram	0.5	1000	500 ppb	500
60. Simazine	0.004	1000	4 ppb	4
61. Toxaphene	0.003	1000	3 ppb	0
<b>Volatile Organic Contaminants</b>				
62. Benzene	0.005	1000	5 ppb	0
63. Carbon tetrachloride	0.005	1000	5 ppb	0
64. Chlorobenzene	0.1	1000	100 ppb	100
65. o-Dichlorobenzene	0.6	1000	600 ppb	600
66. p-Dichlorobenzene	0.075	1000	75 ppb	75
67. 1,2-Dichloroethane	0.005	1000	5 ppb	0
68. 1,1-Dichloroethylene	0.007	1000	7 ppb	7
69. cis-1,2-Dichloroethylene	0.07	1000	70 ppb	70
70. trans-1,2-Dichloroethylene	0.1	1000	100 ppb	100
71. Dichloromethane	0.005	1000	5 ppb	0
72. 1,2-Dichloropropane	0.005	1000	5 ppb	0
73. Ethylbenzene	0.7	1000	700 ppb	700
74. Haloacetic Acids (HAA) (ppb)	0.060	1000	60	n/a
75. Styrene	0.1	1000	100 ppb	100
76. Tetrachloroethylene	0.005	1000	5 ppb	0
77. 1,2,4-Trichlorobenzene	0.07	1000	70 ppb	70
78. 1,1,1-Trichloroethane	0.2	1000	200 ppb	200
79. 1,1,2-Trichloroethane	0.005	1000	5 ppb	3
80. Trichloroethylene	0.005	1000	5 ppb	0
81. TTHMs [Total trihalomethanes]	0.10/.080	1000	100/80 ppb	n/a

82. Toluene	1		1 ppm	1
83. Vinyl Chloride	0.002	1000	2 ppb	0
84. Xylenes	10		10 ppm	10

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 9—Record Maintenance**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

**10 CSR 60-9.010 Requirements for Maintaining Public Water System Records is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 776). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 26—Dealer Licensure**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under sections 301.140 and 307.380, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-26.180 Temporary Permits Sold by a Registered Missouri Motor Vehicle Dealer is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2003 (28 MoReg 1110-1111). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

**19 CSR 60-50.410 Letter of Intent Package is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1194-1195). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

**COMMENT:** J. David Bechtold, representing the Missouri Health Care Association, asserted that the Committee did not recognize the cost to state agencies, such as the Medicaid Program, or political subdivisions which they believed would exceed five hundred dollars (\$500) in the aggregate. His calculations over a five (5)-year period would result in a claimed public agency impact of four hundred twenty-seven thousand fifty dollars (\$427,050) in additional Medicaid cost for every unneeded but approved sixty (60)-bed nursing home project. He also postulated that there would be an additional private entity cost above that already recognized by the Committee; and that this cost represented revenue lost by individual providers due to the construction of unneeded facilities which would in turn reduce the overall occupancy of existing facilities. His calculations over a five (5)-year period would result in a claimed private entity impact of \$10,621,500 in lost revenue to existing nursing homes for every unneeded but approved sixty (60)-bed nursing home project.

**RESPONSE:** The adoption of this rule will not require or result in an expenditure of public funds by, or a reduction of public revenues for, the Committee in the operation of its CONP, or any other agency of state government or any political subdivision thereof, when compared to expenses and revenues for these entities prior to adoption of this rule. Three (3) times in the last eight (8) years Missouri courts have taken up and turned down the question of "pecuniary expense of public funds" due to "expenses for the operations of a facility to be covered by Missouri Medicaid which would not be incurred but for this facility and/or are increased by the construction, licensure and subsequent operation of the facility." They essentially concluded that the Committee's actions do not create additional Medicaid expenses. As for service utilization, it is disingenuous to couple any of the Committee's actions with declining facility occupancy when other countervailing factors, such as the availability of alternative care, changing reimbursement standards and increasing elderly population, so strongly influence institutional selection and use. No changes have been made as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

**19 CSR 60-50.430 Application Package is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1199-1201). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

COMMENT: J. David Bechtold, representing the Missouri Health Care Association, asserted that the Committee did not recognize the cost to state agencies, such as the Medicaid Program, or political subdivisions which they believed would exceed five hundred dollars (\$500) in the aggregate. His calculations over a five (5)-year period would result in a claimed public agency impact of four hundred twenty-seven thousand fifty dollars (\$427,050) in additional Medicaid cost for every unneeded but approved sixty (60)-bed nursing home project. He also postulated that there would be an additional private entity cost above that already recognized by the Committee; and that this cost represented revenue lost by individual providers due to the construction of unneeded facilities which would in turn reduce the overall occupancy of existing facilities. His calculations over a five (5)-year period would result in a claimed private entity impact of \$10,621,500 in lost revenue to existing nursing homes for every unneeded but approved sixty (60)-bed nursing home project.

RESPONSE: The adoption of this rule will not require or result in an expenditure of public funds by, or a reduction of public revenues for, the Committee in the operation of its CONP, or any other agency of state government or any political subdivision thereof, when compared to expenses and revenues for these entities prior to adoption of this rule. Three (3) times in the last eight (8) years Missouri courts have taken up and turned down the question of "pecuniary expense of public funds" due to "expenses for the operations of a facility to be covered by Missouri Medicaid which would not be incurred but for this facility and/or are increased by the construction, licensure and subsequent operation of the facility." They essentially concluded that the Committee's actions do not create additional Medicaid expenses. As for service utilization, it is disingenuous to couple any of the Committee's actions with declining facility occupancy when other countervailing factors, such as the availability of alternative care, changing reimbursement standards and increasing elderly population, so strongly influence institutional selection and use. No changes have been made as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

19 CSR 60-50.700 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1205-1206). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

COMMENT: Thomas R. Piper, representing the CONP, commented that, in sections (5), (6) and (8), the dash before the itemization of component paragraphs should be replaced by a colon.

RESPONSE AND EXPLANATION OF CHANGE: These sections were modified accordingly.

(5) A CON shall be subject to forfeiture for failure to:

(A) Incur a project-specific capital expenditure within twelve (12) months after the date the CON was issued through initiation of project aboveground construction or lease/purchase of the proposed equipment since a capital expenditure, according to generally accepted accounting principles, must be applied to a capital asset; or

(B) File the required Periodic Progress Report.

(6) If the CONP staff finds that a CON may be subject to forfeiture:

(A) Not less than thirty (30) calendar days prior to a Committee meeting, the CONP shall notify the applicant in writing of the possible forfeiture, the reasons for it, and its placement on the Committee agenda for action; and

(B) After receipt of the notice of possible forfeiture, the applicant may submit information to the Committee within ten (10) calendar days to show compliance with this rule or other good cause as to why the CON shall not be forfeited.

(8) Cost overrun review procedures implement the CON statute section 197.315.7, RSMo. Immediately upon discovery that a project's actual costs would exceed approved project costs by more than ten percent (10%), an applicant shall apply for approval of the cost variance. A nonrefundable fee in the amount of one-tenth of one percent (0.1%) of the additional project cost above the approved amount made payable to "Missouri Health Facilities Review Committee" shall be required. The original and eleven (11) copies of the information requirements for a cost overrun review are required as follows:

(A) Amount and justification for cost overrun shall document:

1. Why and how the approved project costs would be exceeded, including a detailed listing of the areas involved;

2. Any changes that have occurred in the scope of the project as originally approved; and

3. The alternatives to incurring this overrun that were considered and why this particular approach was selected; and

(B) Provide a Proposed Project Budget (Form MO 580-1863).

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Public Drinking Water Program  
Chapter 2—Definitions**

**IN ADDITION**

A proposed amendment to 10 CSR 60-2.015 was filed on March 17, 2003 and published in the *Missouri Register* on April 15, 2003 (28 MoReg 735-736). Paragraph (2)(D)2. was submitted with language added for the title of the Department of Health and Senior Services, but this language was inadvertently omitted during the publication process. This paragraph is reprinted below as it would have appeared in the March 17, 2003 *Missouri Register* and as it will appear in the October 31, 2003 update to the *Code of State Regulations*.

**10 CSR 60-2.015 Definitions**

(2) Definitions.

(D) Terms beginning with the letter D.

2. Department of Health. The Missouri Department of Health and Senior Services.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of Need Program**

**EXPEDITED APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for October 24, 2003. These applications are available for public inspection at the address shown below:

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**08/22/03**

**#3500 NP:** Community Care Center  
of Lemay, Inc.  
St. Louis (St. Louis County)  
\$1,230,000, Long term care (LTC) bed  
expansion of 45 skilled nursing facility beds

**08/28/03**

**#3518 RS:** Culpepper Place of Springfield  
Springfield (Greene County)  
\$2,500,000, Renovate residential care facility I

**09/08/03**

**#3388 RP:** Townhouse Residential Care  
Annapolis (Iron County)  
\$176,423, LTC bed expansion of  
12 residential care facility I beds

**09/09/03**

**#3538 HS:** SSM St. Joseph Health Center  
St. Charles (St. Charles County)  
\$3,676,364, Replace linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by October 13, 2003. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact  
Donna Schuessler, 573-751-6403.



STATE OF MISSOURI  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

CINDY KADLEC, DIRECTOR

STATE CAPITOL, ROOM B-8  
JEFFERSON CITY, MO 65101

PHONE (573) 751-2443  
FAX (573) 751-4778

September 12, 2003

The Honorable Matt Blunt  
Secretary of State  
Division of Administrative Rules  
P.O. Box 778  
Jefferson City, MO 65101

Re: 19 CSR 60-50-300 Definitions for the Certificate of Need Process  
19 CSR 60-50.400 Letter of Intent Process  
19 CSR 60-50.420 Review Process  
19 CSR 60-50.450 Criteria and Standards for Long-Term Care

Dear Secretary Blunt:

On September 11, 2003 the Joint Committee on Administrative Rules met to consider the above-referenced rules. During that hearing the Joint Committee on Administrative Rules voted unanimously to disapprove these rules due to the inaccuracy of the fiscal notes filed with the rules in violation of §§536.200 and 536.205 RSMo.

This letter serves as notice of the Joint Committee on Administrative Rule's disapproval of these rules. Pursuant to §536.021 RSMo. and Executive Order 97-97 these rules shall be held in abeyance and should not be published in the Missouri Register for 30 legislative days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard G. Byrd'.

Richard G. Byrd, Chair

cc: Tom Piper

**Schedule of Compensation as Required by Section 105.005, RSMo**

<u>Office</u>	<u>RSMo Citation</u>	<u>Statutory Salary FY 2003</u>	<u>Statutory Salary FY 2004</u>
<u>Elected Officials</u>			
Governor	26.010	\$120,087	\$120,087
Lt. Governor	26.010	77,184	77,184
Attorney General	27.010	104,332	104,332
Secretary of State	28.010	96,455	96,455
State Treasurer	30.010	96,455	96,455
State Auditor	29.010	96,455	96,455
<u>General Assembly</u>			
Senator	21.140	31,351	31,351
Representative	21.140	31,351	31,351
Speaker of House	21.140	33,851	33,851
President Pro Tem of Senate	21.140	33,851	33,851
Speaker Pro Tem of the House	21.140	32,851	32,851
Majority Floor Leader of House	21.140	32,851	32,851
Majority Floor Leader of Senate	21.140	32,851	32,851
Minority Floor Leader of House	21.140	32,851	32,851
Minority Floor Leader of Senate	21.140	32,851	32,851
<u>State Tax Commissioners</u>	138.230	94,029	94,029
<u>Administrative Hearing Commissioners</u>	621.015	91,637	91,637
<u>Labor and Industrial Relations</u>			
<u>Commissioners</u>	286.005	94,029	94,029
<u>Division of Workers' Compensation</u>			
Legal Advisor	287.615	76,800 *	76,800 *
Chief Counsel	287.615	78,800 *	78,800 *
Administrative Law Judge	287.615	86,400 *	86,400 *
Administrative Law Judge in Charge	287.615	91,400 *	91,400 *
Director, Division of Workers' Compensation	287.615	93,400 *	93,400 *
<u>Public Service Commissioners</u>	386.150	94,029	94,029
	<u>RSMo Citation</u>	<u>Executive Level FY 2003</u>	<u>Executive Level FY 2004</u>
<u>Statutory Department Directors</u>	105.950		
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services		I	I
<u>Probation and Parole</u>	217.665		
Chairman		III	III
Board Members		IV	IV

\*Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

## Schedule of Compensation as Required by Section 476.405, RSMo

	RSMo Citation	Highest Salary FY 2003	Highest Salary FY 2004
<u>Supreme Court</u>			
Chief Justice	477.130	\$125,500	\$125,500
Judges	477.130	123,000	123,000
<u>Court of Appeals</u>			
Judges	477.130	115,000	115,000
<u>Circuit Court</u>			
Circuit Court Judges	478.013	108,000	108,000
Associate Circuit Judges	478.018	96,000	96,000
<u>Juvenile Officers</u>			
Juvenile Officer	211.381	40,676	40,676
Chief Deputy Juvenile Officer		34,602	35,202
Deputy Juvenile Officer Class 1		30,635	31,235
Deputy Juvenile Officer Class 2		27,733	28,333
Deputy Juvenile Officer Class 3		25,132	25,732
<u>Court Reporters</u>	485.060	48,660	48,660
<u>Probate Commissioner</u>	478.266	108,000 *	108,000 *
	& 478.267		
Deputy Probate Commissioner	478.266	96,000 *	96,000 *
<u>Family Court Commissioner</u>	211.023	96,000 *	96,000 *
	& 487.020		
<u>Circuit Clerk</u>			
1st Class Counties	483.083	60,330	60,330
St. Louis City	483.083	100,267	100,267
Jackson, Jasper & Cape Girardeau	483.083	65,337	65,337
2nd & 4th Class Counties	483.083	54,249	54,249
3rd Class Counties	483.083	47,300	47,300
Marion-Hannibal & Palmyra	483.083	53,378	53,378
Randolph & Lewis	483.083	51,811	51,811

\*Salaries are tied to those of Circuit and Associate Circuit Judges.

**Missouri Executive Pay Plan  
Fiscal Year 2004**

<b>Executive Level</b>	<b>Minimum</b>	<b>Maximum</b>
I	\$75,948	\$111,156
II	\$69,504	\$101,604
III	\$63,636	\$92,928
IV	\$58,332	\$84,936

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION TO ALL CREDITORS  
OF AND CLAIMANTS AGAINST SKY ARCHERY COMPANY, INC.

On December 16, 2002, Sky Archery Company, Inc., a Missouri corporation ("Corporation"), agreed to dissolve and wind up the Corporation, and it was, in fact, dissolved upon the filing of its Articles of Dissolution with the Missouri Secretary of State on **July 28, 2003.**

The Corporation requests that all persons and organizations who have claims against it present them immediately by letter to Ann W. Hoyt at 4150 Wincliff Drive, St. Charles, Missouri, 63304. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF SKY ARCHERY COMPANY, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE PUBLICATION DATE OF THIS NOTICE.

**MIDWEST CARDIOVASCULAR NETWORK, L.L.C.**

**NOTICE OF DISSOLUTION**

October 15, 2003

NOTICE OF DISSOLUTION OF MIDWEST CARDIOVASCULAR NETWORK, L.L.C., IS HEREBY GIVEN to all claimants, known or unknown, in accordance with Section 347.141 of the Missouri Limited Liability Company Act. MIDWEST CARDIOVASCULAR NETWORK, L.L.C., filed its Notice of Winding Up with the Office of the Secretary of State of Missouri on August 13, 2003. Persons with claims against MIDWEST CARDIOVASCULAR NETWORK, L.L.C., should present them in writing in accordance with the following procedure:

- A) In order to file a claim, you must furnish the following:
  - i) Amount of claim
  - ii) Basis for claim
  - iii) Documentation of the claim
  
- B) The claim must be mailed to:

Midwest Cardiovascular Network, L.L.C.  
c/o N. Rock Ereksen  
11475 Olde Cabin Road, Suite 200  
St. Louis, MO 63141

MIDWEST CARDIOVASCULAR NETWORK, L.L.C., HEREBY NOTIFIES ALL KNOWN CLAIMANTS that any and all claims are barred if the dissolved company does not receive the claim by October 15, 2006.

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 This Issue
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 10-18.010	Commissioner of Administration	28 MoReg 1615	28 MoReg 1482		
1 CSR 15-3.320	Administrative Hearing Commission		28 MoReg 1266	This Issue	
1 CSR 15-3.350	Administrative Hearing Commission		28 MoReg 1266	This Issue	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 1560		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		28 MoReg 1560		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		28 MoReg 1561		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.040	Animal Health		28 MoReg 711		
2 CSR 30-9.020	Animal Health		28 MoReg 1085		
2 CSR 30-9.030	Animal Health		28 MoReg 1086		
2 CSR 70-13.030	Plant Industries	28 MoReg 1553	28 MoReg 1561		
2 CSR 100-6.010	Missouri Agriculture and Small Business Development Authority		This Issue		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission		28 MoReg 1483		
3 CSR 10-4.111	Conservation Commission		28 MoReg 1088	28 MoReg 1512	
3 CSR 10-5.352	Conservation Commission		28 MoReg 1267	28 MoReg 1718	
3 CSR 10-5.552	Conservation Commission		28 MoReg 1270	28 MoReg 1718	
3 CSR 10-5.553	Conservation Commission		28 MoReg 1273	28 MoReg 1718	
3 CSR 10-5.577	Conservation Commission		28 MoReg 1275	28 MoReg 1718	
3 CSR 10-5.578	Conservation Commission		28 MoReg 1277	28 MoReg 1719	
3 CSR 10-7.410	Conservation Commission		28 MoReg 1088	28 MoReg 1512	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		28 MoReg 1089	28 MoReg 1512	
3 CSR 10-8.515	Conservation Commission		N.A.	28 MoReg 1512	
3 CSR 10-9.110	Conservation Commission		28 MoReg 1089	28 MoReg 1513	
3 CSR 10-9.442	Conservation Commission		N.A.	This Issue	
3 CSR 10-11.160	Conservation Commission		28 MoReg 1089	28 MoReg 1513	
3 CSR 10-11.180	Conservation Commission		28 MoReg 1090	28 MoReg 1513	
			N.A.	28 MoReg 1513	
3 CSR 10-11.182	Conservation Commission		28 MoReg 1090	28 MoReg 1514	
			28 MoReg 1279	28 MoReg 1719	
3 CSR 10-11.186	Conservation Commission		28 MoReg 1091	28 MoReg 1514	
3 CSR 10-11.205	Conservation Commission		28 MoReg 1091	28 MoReg 1514	
3 CSR 10-12.110	Conservation Commission		28 MoReg 1092	28 MoReg 1514	
3 CSR 10-12.135	Conservation Commission		28 MoReg 1092	28 MoReg 1514	
			N.A.	28 MoReg 1719	
3 CSR 10-12.140	Conservation Commission		28 MoReg 1093	28 MoReg 1515	
			N.A.	28 MoReg 1719	
3 CSR 10-20.805	Conservation Commission		28 MoReg 1279	28 MoReg 1720W	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R		
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1483R		
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R		
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484		
4 CSR 30-4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This IssueR This Issue		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852	28 MoReg 1515	
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853	28 MoReg 1515	
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854	28 MoReg 1515	
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1515	
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 60-1.040	State Board of Barber Examiners		28 MoReg 1487		
4 CSR 60-4.015	State Board of Barber Examiners		28 MoReg 1491		
4 CSR 70-1.010	State Board of Chiropractic Examiners		28 MoReg 1491R 28 MoReg 1492		
4 CSR 70-2.020	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.030	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.040	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.045	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.050	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.060	State Board of Chiropractic Examiners		28 MoReg 1496		
4 CSR 70-2.065	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.070	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.080	State Board of Chiropractic Examiners		28 MoReg 1500		
4 CSR 70-2.081	State Board of Chiropractic Examiners		28 MoReg 1501		
4 CSR 70-2.090	State Board of Chiropractic Examiners		28 MoReg 1502		
4 CSR 70-2.100	State Board of Chiropractic Examiners		28 MoReg 1505		
4 CSR 70-3.010	State Board of Chiropractic Examiners		28 MoReg 1506		
4 CSR 100	Division of Credit Unions				28 MoReg 1219 28 MoReg 1391 28 MoReg 1526 28 MoReg 1723
4 CSR 100-2.080	Division of Credit Unions		28 MoReg 1279		
4 CSR 115-1.040	State Committee of Dietitians		28 MoReg 1280		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		28 MoReg 1507		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		28 MoReg 1282		
4 CSR 150-3.170	State Board of Registration for the Healing Arts		28 MoReg 1284		
4 CSR 200-4.021	State Board of Nursing		28 MoReg 1286		
4 CSR 200-4.100	State Board of Nursing		28 MoReg 1286		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 220-5.020	State Board of Pharmacy		28 MoReg 1177		
4 CSR 231-2.010	Division of Professional Registration		28 MoReg 1286		
4 CSR 232-3.010	Missouri State Committee of Interpreters		This Issue		
4 CSR 240-3.155	Public Service Commission		28 MoReg 1507		
4 CSR 240-3.180	Public Service Commission		28 MoReg 1024		
4 CSR 240-3.250	Public Service Commission		28 MoReg 1028		
4 CSR 240-40.018	Public Service Commission		28 MoReg 1032		
4 CSR 250-3.020	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.160	Missouri Real Estate Commission		This Issue		
4 CSR 250-10.010	Missouri Real Estate Commission		This Issue		
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

5 CSR 30-261.010	Division of Administrative and Financial Services		28 MoReg 1180		
5 CSR 50-310.010	Division of School Improvement		28 MoReg 1039R	28 MoReg 1720R	
5 CSR 50-340.110	Division of School Improvement		28 MoReg 1039	28 MoReg 1720	
5 CSR 50-340.200	Division of School Improvement		28 MoReg 1040	28 MoReg 1720	
5 CSR 50-350.015	Division of School Improvement		28 MoReg 1042R	28 MoReg 1721R	
5 CSR 50-360.010	Division of School Improvement		28 MoReg 1042R	28 MoReg 1721R	
5 CSR 50-370.010	Division of School Improvement		28 MoReg 1042R	28 MoReg 1721R	
5 CSR 60-120.020	Vocational and Adult Education		28 MoReg 1181		
5 CSR 60-900.050	Vocational and Adult Education		28 MoReg 1093		
5 CSR 70-742.160	Special Education		28 MoReg 1042R	28 MoReg 1721R	
5 CSR 80-800.200	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.220	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.230	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.260	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.270	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.280	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.290	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.300	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.350	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.360	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.370	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.380	Teacher Quality and Urban Education		This Issue		
5 CSR 80-800.400	Teacher Quality and Urban Education		This Issue		
5 CSR 90-4.410	Vocational Rehabilitation		28 MoReg 864	28 MoReg 1568	
5 CSR 90-4.420	Vocational Rehabilitation		28 MoReg 864	28 MoReg 1568	
5 CSR 90-5.410	Vocational Rehabilitation		28 MoReg 864	28 MoReg 1568	
5 CSR 90-5.420	Vocational Rehabilitation		28 MoReg 867	28 MoReg 1568	
5 CSR 90-5.440	Vocational Rehabilitation		28 MoReg 869	28 MoReg 1569	
5 CSR 90-7.010	Vocational Rehabilitation		This Issue		
5 CSR 90-7.100	Vocational Rehabilitation		This Issue		
5 CSR 90-7.200	Vocational Rehabilitation		This Issue		
5 CSR 90-7.320	Vocational Rehabilitation		This Issue		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	28 MoReg 1554	28 MoReg 1563		

**DEPARTMENT OF HIGHER EDUCATION**

6 CSR 10-6.010	Commissioner of Higher Education		28 MoReg 956	28 MoReg 1516	
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**DEPARTMENT OF TRANSPORTATION**

7 CSR 10-3.040	Missouri Highways and Transportation Commission	28 MoReg 1173R	28 MoReg 1182R		
7 CSR 10-6.010	Missouri Highways and Transportation Commission		28 MoReg 958	This Issue	
7 CSR 10-6.015	Missouri Highways and Transportation Commission		28 MoReg 958	This Issue	
7 CSR 10-6.020	Missouri Highways and Transportation Commission		28 MoReg 960	This Issue	
7 CSR 10-6.030	Missouri Highways and Transportation Commission		28 MoReg 960	This Issue	
7 CSR 10-6.040	Missouri Highways and Transportation Commission		28 MoReg 961	This Issue	
7 CSR 10-6.050	Missouri Highways and Transportation Commission		28 MoReg 963	This Issue	
7 CSR 10-6.060	Missouri Highways and Transportation Commission		28 MoReg 963	This Issue	
7 CSR 10-6.070	Missouri Highways and Transportation Commission		28 MoReg 964	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-6.080	Missouri Highways and Transportation Commission		28 MoReg 966	This Issue	
7 CSR 10-6.085	Missouri Highways and Transportation Commission		28 MoReg 967	This Issue	
7 CSR 10-6.090	Missouri Highways and Transportation Commission		28 MoReg 968	This Issue	
7 CSR 10-6.100	Missouri Highways and Transportation Commission		28 MoReg 968	This Issue	
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-25.010	Missouri Highways and Transportation Commission	28 MoReg 1173	28 MoReg 1182		

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

8 CSR 10-3.085	Division of Employment Security		28 MoReg 1661		
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969	28 MoReg 1519	

**DEPARTMENT OF MENTAL HEALTH**

9 CSR 10-5.200	Director, Department of Mental Health		28 MoReg 1094		
9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 847	28 MoReg 873	28 MoReg 1519	
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873	28 MoReg 1519	
9 CSR 25-2.005	Fiscal Management		28 MoReg 1371		
9 CSR 25-2.105	Fiscal Management		28 MoReg 1372		
9 CSR 25-2.205	Fiscal Management		28 MoReg 1373R		
9 CSR 25-2.305	Fiscal Management		28 MoReg 1373		
9 CSR 25-2.405	Fiscal Management		28 MoReg 1375		
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874	28 MoReg 1519	
9 CSR 30-3.132	Certification Standards		28 MoReg 1376		
9 CSR 30-3.206	Certification Standards		28 MoReg 1508		
9 CSR 30-3.208	Certification Standards		28 MoReg 1508		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874	28 MoReg 1520	
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		This Issue		

**DEPARTMENT OF NATURAL RESOURCES**

10 CSR 10-2.260	Air Conservation Commission		28 MoReg 1564		
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719	28 MoReg 1569	
10 CSR 10-6.050	Air Conservation Commission				28 MoReg 1586
10 CSR 10-6.060	Air Conservation Commission		28 MoReg 724	28 MoReg 1572	
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728	28 MoReg 1574	
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731	28 MoReg 1578	
10 CSR 10-6.065	Air Conservation Commission		28 MoReg 734	28 MoReg 1582	
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555	28 MoReg 1520	
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557	28 MoReg 1520	
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559	28 MoReg 1521	
10 CSR 10-6.110	Air Conservation Commission		28 MoReg 1095		
10 CSR 20-6.010	Air Conservation Commission		28 MoReg 1106		
10 CSR 25-12.010	Hazardous Waste Management Commission		28 MoReg 874		
10 CSR 30-2.020	Land Survey		28 MoReg 878	28 MoReg 1521	
10 CSR 30-2.030	Land Survey		28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.040	Land Survey		28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.060	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.070	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.080	Land Survey		28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.090	Land Survey		28 MoReg 881	28 MoReg 1522	
10 CSR 30-2.100	Land Survey		28 MoReg 881	28 MoReg 1523	
10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735	This Issue	This Issue
10 CSR 60-4.010	Public Drinking Water Program		28 MoReg 969		
10 CSR 60-4.020	Public Drinking Water Program		28 MoReg 736	This Issue	
10 CSR 60-4.030	Public Drinking Water Program		28 MoReg 737	This Issue	
10 CSR 60-4.040	Public Drinking Water Program		28 MoReg 739	This Issue	
10 CSR 60-4.050	Public Drinking Water Program		28 MoReg 739	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744	This Issue	
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746	This Issue	
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747	This Issue	
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752	This Issue	
10 CSR 60-5.010	Public Drinking Water Program		28 MoReg 973		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753	This Issue	
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753	This Issue	
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R	This IssueR	
			28 MoReg 757	This Issue	
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764	This Issue	
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776	This Issue	
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369			
10 CSR 140-2.020	Division of Energy				28 MoReg 1526
10 CSR 140-2.030	Division of Energy				28 MoReg 1526
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-5.010	Adjutant General	28 MoReg 1475	28 MoReg 1509		
11 CSR 40-6.010	Division of Fire Safety		28 MoReg 973	28 MoReg 1523	
11 CSR 40-6.020	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	
11 CSR 40-6.031	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	
11 CSR 40-6.040	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.045	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.050	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.055	Division of Fire Safety		28 MoReg 978	28 MoReg 1524	
11 CSR 40-6.060	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.075	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981	28 MoReg 1524	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-9.030	Missouri Gaming Commission		28 MoReg 1106		
11 CSR 45-13.010	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.020	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.030	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.045	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.050	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.051	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.060	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.070	Missouri Gaming Commission		28 MoReg 1380		
11 CSR 45-13.080	Missouri Gaming Commission		28 MoReg 1381		
11 CSR 45-30.540	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 45-30.550	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 50-2.010	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.020	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.050	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.160	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.200	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.270	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.320	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.340	Missouri State Highway Patrol		This Issue		
11 CSR 75-13.010	Peace Officer Standards and Training Program		28 MoReg 1043	28 MoReg 1583	
11 CSR 75-13.090	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-14.030	Peace Officer Standards and Training Program		28 MoReg 1043	28 MoReg 1583	
11 CSR 75-14.080	Peace Officer Standards and Training Program		28 MoReg 1044	28 MoReg 1583	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-3.036	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.046	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.120	Director of Revenue		28 MoReg 1381R		
12 CSR 10-3.176	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.486	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.836	Director of Revenue		28 MoReg 1382R		
12 CSR 10-3.838	Director of Revenue		28 MoReg 1382R		
12 CSR 10-23.050	Director of Revenue ( <i>Changed to 12 CSR 10-26.190</i> )		28 MoReg 1383		
12 CSR 10-23.190	Director of Revenue ( <i>Changed to 12 CSR 10-26.180</i> )		28 MoReg 1110	This Issue	
12 CSR 10-23.300	Director of Revenue		28 MoReg 1383		
12 CSR 10-23.330	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.370	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.420	Director of Revenue		28 MoReg 1384		
12 CSR 10-23.436	Director of Revenue		28 MoReg 1385R		
12 CSR 10-23.444	Director of Revenue		28 MoReg 1385R		
12 CSR 10-23.446	Director of Revenue		28 MoReg 981	28 MoReg 1524	
12 CSR 10-23.456	Director of Revenue		28 MoReg 1189		
12 CSR 10-23.458	Director of Revenue		28 MoReg 1386		
12 CSR 10-24.090	Director of Revenue		28 MoReg 1661		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-24.385	Director of Revenue		28 MoReg 1386		
12 CSR 10-24.390	Director of Revenue		28 MoReg 1386		
12 CSR 10-24.430	Director of Revenue		28 MoReg 1664		
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1 CSR 10-18.010 Retirement Policy . . . . . 28 MoReg 1615 . . . . . March 9, 2004

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2 CSR 70-13.030 Program Participation, Fee Payment and Penalties . . . . . 28 MoReg 1553 . . . . . February 16, 2004

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4 CSR 240-32.180 Definitions—Caller Identification Blocking Service . . . . . Next Issue . . . . . April 2, 2004

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service . . . . . Next Issue . . . . . April 2, 2004

#### Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License . . . . . 28 MoReg 947 . . . . . October 24, 2003

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5 CSR 100-200.045 Provisional Restricted Certification in Education . . . . . 28 MoReg 1554 . . . . . February 14, 2004

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7 CSR 10-3.040 Division of Relocation Costs . . . . . 28 MoReg 1173 . . . . . February 26, 2004

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers . . . . . 28 MoReg 1173 . . . . . February 26, 2004

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8 CSR 10-3.130 Direct Deposit of Unemployment Benefits . . . . . 28 MoReg 948 . . . . . October 27, 2003

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10 CSR 70-5.040 Cost-Share Rates and Reimbursement Procedures . . . . . 28 MoReg 1369 . . . . . January 14, 2004

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13 CSR 40-2.380 Grandparents as Foster Parents . . . . . 28 MoReg 1421 . . . . . January 27, 2004

13 CSR 40-19.020 Low Income Home Energy Assistance Program . . . . . Next Issue . . . . . March 29, 2004

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13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services . . . . . Next Issue . . . . . March 29, 2004

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services . . . . . Next Issue . . . . . March 29, 2004

13 CSR 70-10.110 Nursing Facility Reimbursement Allowance . . . . . Next Issue . . . . . March 29, 2004

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) . . . . . This Issue . . . . . March 16, 2004

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15 CSR 30-51.010 General Instructions . . . . . 28 MoReg 1619 . . . . . March 9, 2004

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15 CSR 30-51.030 Examination Requirement . . . . . 28 MoReg 1620 . . . . . March 9, 2004

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15 CSR 30-80.010	Redaction of the Social Security Numbers and Date of Birth from Business Entity Filings . . . . .	28 MoReg 949	November 6, 2003

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19 CSR 10-33.040	Electronic Reporting of Patient Abstract Data by Hospitals for Public Syndromic Surveillance . . . . .	28 MoReg 1247	January 2, 2004
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19 CSR 15-4.060	State Long-Term Care Ombudsman Program . . . . .	This Issue	March 19, 2004
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19 CSR 30-82.080	Nursing Facility Quality of Care Improvement Program . . . . .	This Issue	March 19, 2004
19 CSR 30-83.010	Definitions of Terms . . . . .	This Issue	March 19, 2004
19 CSR 30-85.042	Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities . . . . .	This Issue	March 19, 2004
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## Executive Orders

	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>03-01</b>	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
<b>03-02</b>	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
<b>03-03</b>	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
<b>03-04</b>	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
<b>03-05</b>	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
<b>03-06</b>	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
<b>03-07</b>	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
<b>03-08</b>	Lists Governor's Staff Who Have Supervisory Authority Over Departments	September 4, 2003	28 MoReg 1556
<b>03-09</b>	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
<b>03-10</b>	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
<b>03-11</b>	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
<b>03-12</b>	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
<b>03-13</b>	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
<b>03-14</b>	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954
<b>03-15</b>	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
<b>03-16</b>	Establishes the Missouri Commission on Patient Safety	October 1, 2003	This Issue

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When preparing an amendment, please, take a moment to review the text of each section of your rule as it is printed in the *Code of State Regulations*.

Check for—

1. Out-of-date references, or statutes that may have been repealed;
2. Cites to another section of the rule that may have been renumbered;
3. Materials incorporated by reference that are not up-to-date;
4. Agency names and divisions that are not appropriately titled;
5. Cites to other rule numbers that are not accurate;
6. Phone numbers and street addresses, as well as websites, that are not listed correctly.

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